

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 9, 2025**

Zoning Board Members Present: Matt Bradley, Chairman
Mark Haller
Kathryn Leister
Kate Casale MacNally
Todd Vender

Zoning Board Members Absent: Lynn Hanley
Mike Nielsen

Village Attorney: Courtney Willits

Village Staff: Scott Mangum, Director of Community Development
Ann Klaassen, Assistant Director of Community
Development

Call to Order & Roll Call:

Chairman Bradley called the meeting to order at 7:00 p.m. Roll call was taken of the Board Members present.

Approval of Meeting Minutes.

Chairman Bradley asked for a motion to approve the May 12, 2025, meeting minutes. A motion to approve the May 12, 2025, meeting minutes was made by Ms. Casale MacNally and seconded by Mr. Vender. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Haller, Leister, Casale MacNally, Vender

NAYS: None

Community Development Report.

Mr. Mangum stated there is no Community Development Report.

Chairman Bradley then asked for a motion to take the agenda out of order and first ask for public comment. A motion as stated by Chairman Bradley was made by Ms. Casale MacNally and seconded by Mr. Haller. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Haller, Leister, Casale MacNally, Vender

NAYS: None

Public Comment:

Bob Dearborn, resident on Arbor Vitae and Village President, expressed his and the Village Council members' appreciation to the Board for the work they do for the Village and thanked Ms. Casale MacNally for serving on the Board and wished her luck on the New Trier Township Board of Trustees.

New Cases:

a. **Case No. 25-07-V: 620 Ash Street:** An application seeking approval of a zoning variation to allow construction of a one-story addition to the existing detached garage at 620 Ash Street. The requested variation would permit the proposed addition to exceed the maximum permitted height for a detached garage. The Zoning Board of Appeals has final jurisdiction on this request.

1 Ms. Klaassen identified the property's location, size and zoning classification and noted the applicant
2 owned the vacant lot to the south. She referred to the current photos of the site and the existing detached
3 garage. Ms. Klaassen described the proposed addition to the two-car garage and the variation being
4 requested. She explained how the garage height was calculated and that the ordinance allowed detached
5 garages to be 18 feet in height if the additional height above 15 feet is necessary to match the roof pitch
6 of the existing residence.

7
8 Ms. Klaassen stated following the applicant's presentation, public comment, and Board discussion, a
9 Board Member may wish to make a motion to continue the matter to a date certain or consider a motion
10 to adopt the resolution to approve or deny the variation. She then asked if there were any questions. Ms.
11 Leister asked why the grade changed. Ms. Klaassen responded she did not have a plat of topography
12 representing the grade elevations prior to construction of the existing garage to see where the difference
13 was, and noted that the garage complied when it was permitted and the change in grade occurred after
14 construction. No additional questions were raised at this time.

15
16 Chairman Bradley swore in those speaking to this matter. Nick Standiford, 70 W. Madison, Chicago,
17 attorney with Shain Banks, Steven Schultz, the property owner, and Ron Cowgill of DSR Services
18 introduced themselves to the Board.

19
20 Nick Standiford stated the request is to expand the garage 7 feet to allow for a third garage space to
21 accommodate the applicants' vehicles. He stated property values would be improved by having the
22 vehicle in the garage as opposed to on the driveway or on the street. Mr. Standiford stated if the garage
23 was built new, it would have been allowed to be built at 18 feet to match the home's roof height and
24 noted the garage roof pitch would not change. He stated the second lot is used by the applicants as
25 backyard space. Mr. Standiford also stated the current garage height is legally nonconforming and they
26 would be legalizing the nonconformity. He referred to site plan illustrations and the addition which would
27 not infringe on the neighbors or be visible from the street.

28
29 Steven Schultz informed the Board they purchased the property in 2014 and provided additional
30 information to the Board with regard to grading and drainage systems on the property. He asked if there
31 were any questions.

32
33 Chairman Bradley asked when they planned to begin the project. Mr. Standiford responded they would
34 be ready to begin once they receive Village permit approval which would be completed in 4-6 weeks. Mr.
35 Schultz confirmed they spoke to the east neighbors who were fine with the request. No additional
36 questions were raised at this time.

37
38 Chairman Bradley asked if there was public comment. No comments were made at this time.

39
40 Chairman Bradley called the matter in for discussion. Ms. Casale MacNally described the request as easy
41 and that it would be a simple addition to an existing structure. She also described the height differential
42 as minimal and found that while the request did not meet the first two standards, the remaining standards
43 were met. Ms. Casale MacNally stated that while they cannot determine where the 6.5 inch height
44 difference arose, it would be more disruptive to the neighborhood to remove the rest of what is there
45 with the Board being asked only to address the height. She concluded she would be in favor of the request.

46
47 Mr. Haller agreed with Ms. Casale MacNally's comments and stated the request would maintain
48 consistency with the building. He also stated it would not be visible from the street and commented it

1 would look nice and it would not make sense to alter it by removing a portion from the side. Ms. Leister
2 agreed the variance is small and would be consistent with what was fine when it was built in 2003. She
3 concluded she would be in favor of the request.
4

5 Chairman Bradley agreed with the comments made and commented the Board should approve a project
6 of this nature. He noted approvals are not based on the home's occupants although it would be difficult
7 for the request to meet the first standard with regard to height and reasonable return. He stated although
8 the property was conforming at the time it was built, he referred to the property settling. Chairman
9 Bradley noted for the record there is not a minimum requirement for a three-car garage in the Village and
10 asked for a motion to approve the request as indicated on page no. 27.
11

12 A motion to approve the request as presented was made by Ms. Casale MacNally and seconded by Mr.
13 Haller. A vote was taken and the motion unanimously passed, 5 to 0:

14 AYES: Bradley, Haller, Leister, Casale MacNally, Vender

15 NAYS: None
16

17 b. **Case No. 25-09-APL: 314 Walnut Street: An appeal of the Zoning Administrator's interpretation**
18 **that 314 Walnut Street has a front yard along Wilson Street. The Appellant requests that the Zoning**
19 **Board of Appeals reverse this determination and designate the yard along Wilson Street as a rear yard.**

20 Chairman Bradley outlined how the matter would proceed. Ms. Klaassen summarized the procedure and
21 the ZBA's role in the consideration of certain requests and appeals from decisions made by the Zoning
22 Administrator. She noted the implications of a decision regarding an appeal are different than those of a
23 variation and summarized the differences. Ms. Klaassen identified the property's location, frontages, size,
24 shape and zoning classification as well as photos of the site and a summary of prior zoning cases.
25

26 Ms. Klaassen informed the Board the Zoning Administrator determined that the property is a corner lot
27 due to the intersection of Walnut and Orchard as well as the intersection of Orchard and Wilson. She
28 summarized how the lot line lengths are calculated and how they were determined in this instance with
29 the following determination: a front yard on Walnut, a front yard on Wilson, a corner yard on Orchard
30 and a side yard along the south property line. Ms. Klaassen then referred to property illustrations.
31

32 Ms. Klaassen also summarized the previous zoning cases for the site. First, in November 2005, the Village
33 Council granted variations to allow construction of the detached garage. The approved variations were
34 for the front yard setback along Wilson and the corner yard setback along Orchard. Then, in February of
35 this year, the Board considered an application submitted by the appellant to allow construction of a new
36 detached garage and an addition to the existing residence. She then noted that at the February meeting,
37 the ZBA expressed support of the relief necessary for the proposed addition to the home, and most of the
38 members expressed support of some sort of front yard setback and front yard lot coverage variations
39 necessary for the proposed garage. However, most members expressed concern regarding the size of the
40 proposed three-car garage in the R-5 district. Ms. Klaassen then noted the application was continued
41 three times to allow the appellant time to consider amendments. She then stated the variation application
42 was withdrawn on May 2, 2025, and subsequently the appeal that is currently before the Board was
43 submitted.
44

45 Ms. Klaassen summarized the Zoning Administrator's interpretation that the subject property is a corner
46 lot with the interpretation being based on certain definitions in the Zoning Ordinance and front yard
47 setback regulations for lots with three street frontages. She informed the Board that based on historical
48 zoning analyses in Village files, the Zoning Administrator had interpreted the subject property to have

1 these yard designations since at least 1998 noting zoning relief was granted in 2005 to allow the detached
2 garage. Ms. Klaassen referred to other properties with similar lot designations.

3
4 Ms. Klaassen stated following the appellant's presentation and Board discussion, a Board Member may
5 wish to make a motion to continue the matter to a date certain or consider a motion reversing, affirming
6 or modifying the Zoning Administrator's interpretation pursuant to draft language and findings in the
7 packet. She then asked if there were any questions.

8
9 Mr. Vender asked for additional clarification on the application. Chairman Bradley explained that the
10 Board's consideration of the appeal would not result in precedent setting to have bearing on any similarly
11 sited homes. Ms. Casale MacNally referred to page 44 and asked if the four zoning definition bullet points
12 are verbatim. Ms. Klaassen confirmed they are correct except for a typo in the definition of "corner lot
13 line" where "or" should be "of" on page 44. No additional questions were raised at this time.

14
15 Chairman Bradley swore in those speaking to this matter.

16
17 Danielle Cassel, Vedder Price, introduced herself as the appellants' attorney along with Nicole Steel, the
18 property owner. She stated she was contacted by the appellant to assist with their concern relating to
19 their disagreements with the Village staff in connection with the code's interpretation. Ms. Cassel
20 instructed the appellant to withdraw their application until the disagreements relating to the front yard
21 issues were resolved. She confirmed the longest property line as Orchard Lane which is the corner lot line
22 and stated the disagreement related to the front lot line definition which she stated has five component
23 sentences. Ms. Cassel summarized their interpretation in detail for the Board and referred to several code
24 provisions. She also referred to the amount of time the appellants spent trying to clear up the code issue
25 with the Village staff and described the timeline relating to their discussions. Ms. Cassel then asked the
26 Board to review Exhibit 6, which concluded in their request that Wilson be determined as the property's
27 rear lot line.

28
29 Chairman Bradley asked for confirmation that the appeal did not relate to the planned project for the
30 property. Ms. Cassel confirmed that is correct. Ms. Steel provided additional information to the Board.
31 Ms. Cassel asked for clarification with regard to the length of the front lot line. Ms. Klaassen provided
32 additional information to the appellant and explained how the figure was reached.

33
34 The Board Members and the appellant discussed the definitions and lot line determinations at length.

35
36 Chairman Bradley stated there is no one in the audience to comment and called the matter in for
37 discussion. He explained in detail the Board's role in considering whether the appellant has shown that
38 the Zoning Administrator erred in their determination that the lot had two front yards as established by
39 the code on Walnut and Wilson, a corner yard on Orchard and a side yard on the south property line.

40
41 Mr. Haller stated the issue rested on the definition of the error in terms of ambiguities and agreed it would
42 be a good idea for the Board to recommend to the Village Council that they review similar instances. He
43 commented on the difficulty of a resident to raise these sorts of issues and indicated he is struggling with
44 having never faced this issue before and the definition of what qualified as an error although the burden
45 of proof is on the appellant. Mr. Haller stated he understood the manner in which the Village interpreted
46 the issue although there is some ambiguity but that it did not rise to the level of saying one definition is
47 correct versus the other. He then stated in the strict interpretation of whether the Zoning Administrator
48 made a mistake with regard to the definition, he would agree that the definition as was interpreted was

1 reasonable. He then referred to instances where the Board considered variation requests and made
2 decisions on a case by case basis. Chairman Bradley added the notion that the zoning code is not always
3 logical.

4
5 Ms. Casale MacNally asked the Village Attorney for an additional interpretation of what the Board's charge
6 is. Courtney Willits, Village Attorney, provided further explanation of the Board's charge. Ms. Casale
7 MacNally then stated she agreed with the comments made and she did not feel the appellant met the
8 burden of demonstrating that the Zoning Administrator was in error or that the interpretation was not
9 based on his authority.

10
11 Mr. Vender stated in the absence of a traditional court style proceeding, there is no one here to defend
12 what was presented as an incomplete ruling. He agreed that the appellant needed to get clarity in terms
13 of the lot and added that it is not a precedent setting issue. Mr. Vender stated a thorough investigation
14 was done based on the language's syntax and conjugation. He stated based on what an appellant needed
15 to go through to get clarity as well as approval, he would not overlook bad wording which he described
16 as unacceptable. Mr. Vender concluded it would be difficult to determine whether the Zoning
17 Administrator's findings were erroneous in the absence of a compelling counterargument being made.

18
19 Mr. Mangum informed the Board he concurred with the decision the Zoning Administrator made and
20 although the code is not perfect, it was not written with every lot or circumstance in mind.

21
22 Mr. Haller asked if similar instances occur where residents have difficulty understanding the Zoning
23 Administrator's interpretation and if there is a means of elevating those issues to the Village Council in
24 the absence of rewriting the zoning code. Mr. Mangum explained how the zoning code allowed for zoning
25 or text amendments and agreed there are areas of the code which could be improved. He referred to the
26 process to amend the code which included it being requested by the appellant.

27
28 Ms. Leister commented it is helpful for these issues to have been raised in an effort to make the code
29 clear. She then stated in looking at the language, she understood the Zoning Administrator's
30 interpretation which did not rise to the level of being erroneous. Ms. Leister agreed with the other Board
31 Members' conclusion that a finding was not made in error.

32
33 Chairman Bradley stated three street frontages meant there is a potential for one to be a corner yard in
34 terms of its calculation. He stated these definitions have served the Board well for a number of years for
35 the small number of homes it would apply to. Chairman Bradley stated it appeared the Board felt the
36 Zoning Administrator's interpretation was deemed to be reasonable.

37
38 Ms. Steel asked for further clarification with regard to the rear yard and side yard definitions, which she
39 described as mutually exclusive. Chairman Bradley provided further clarification in terms of the code
40 language. He referred to the Board's agreement in that the code's language needed to be amended and
41 that it appeared that the Board intended to vote to affirm the Zoning Administrator's decision.

42
43 Chairman Bradley then asked for a motion to affirm the Zoning Administrator's determination and direct
44 the Village staff and Village Attorney to prepare written findings for the Board's consideration with a final
45 vote at the Board's July meeting. A motion as stated by Chairman Bradley was made by Ms. Casale
46 MacNally and seconded by Ms. Leister. A vote was taken and the motion unanimously passed, 5 to 0:

47 AYES: Bradley, Haller, Leister, Casale MacNally, Vender

48 NAYS: None

1 Chairman Bradley asked for a motion to recommend Village staff and Village Attorney prepare a text
2 amendment modification study session to be presented to the Village Council at their earliest possible
3 meeting specifically as it related to Sections 17.30.050.C3 and 17.04.030 Definitions, including the
4 definitions of front lot line, rear lot line, and rear yard. A motion as stated by Chairman Bradley was made
5 by Ms. Casale MacNally. Mr. Haller seconded the motion. A vote was taken and the motion unanimously
6 passed, 5 to 0:

7 AYES: Bradley, Haller, Leister, Casale MacNally, Vender

8 NAYS: None

9

10 **New Business:**

11 a. July 14, 2025, Meeting - Quorum Check.

12 The Board Members discussed their availability.

13

14 **Adjournment:**

15 Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally
16 and seconded by Mr. Haller. A vote was taken and the motion unanimously passed, 5 to 0:

17 AYES: Bradley, Haller, Leister, Casale MacNally, Vender

18 NAYS: None

19 The meeting adjourned at 9:03 p.m.

20

21 Respectfully submitted,

22

23 Antionette Johnson

24 Recording Secretary

25